

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAF) NO.1211/2021
IN
CIVIL APPLICATION (CAF) NO.861/2018
IN
FIRST APPEAL NO.23957/2014

Maharashtra Industrial Development Corporation Vs.
Fattelal Bhikamchan Rathi (dead) through LRs Ramesh Fattelal Rathi and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri Mayank Agnihotri, Advocate with Ms A.S. Athalye, Advocate for appellant
Shri N.R. Patil, AGP for respondent Nos.8 and 9.

CORAM : S.M. MODAK, J.
DATE : 15/06/2022

Heard learned Advocate for the appellant and learned Advocate for the legal representatives of respondent No.2. He expired on 15/12/2012. Appellant got knowledge when there is bailiff report. So also there is a pursis stamp No.6261/2019 filed by learned Advocate for respondent No.2 informing about the death. The details of legal representatives are mentioned in the pursis. There is sufficient reason for condonation of delay of 671 days. In view of that both the applications are allowed. Abatement is set aside. Delay is condoned. Name of respondent No.2 be deleted and names of his legal representatives be added forthwith.

2. Learned Advocate is granted time to file power on behalf of the legal representatives. He waives notice for them. Amended copy of memo of appeal and stay application be supplied to other side. Matter be kept after **three weeks**.